

February 12, 2021

Mr. Norris Cochran IV
Acting Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

Dear Acting Secretary Cochran:

We write to raise concerns about reports that individuals with influence have been granted special access to COVID-19 vaccines by hospitals around the country. **We respectfully request that an explicit ban on preferential access to COVID-19 vaccines be incorporated into the Centers for Disease Control and Prevention (CDC) provider agreement and be placed on the list of CDC's COVID-19 vaccination provider requirements available on the CDC website. In addition, we request a report on how HHS intends to establish greater accountability for these types of grievances and others.**

We are concerned by reports of individuals of influence being provided the opportunity to receive the COVID-19 vaccine before they are eligible. In Washington State, hospitals in the Puget Sound region allowed donors, board members and fundraising campaign volunteers, among others, to register for “invite only” COVID-19 vaccine appointments or to “test” scheduling tools. This opportunity was not made available to eligible and particularly vulnerable members of the general public.ⁱ Similarly in New Jersey, a hospital was accused of allowing wealthy donors, executives and their relatives to receive the COVID-19 vaccine before they were eligible.ⁱⁱ In Florida, an upscale nursing home provided COVID-19 vaccines intended for nursing home residents to wealthy donors and members of a country club.ⁱⁱⁱ These are not isolated incidents as there are reports around the country of wealthy individuals attempting to get vaccinated before they are eligible.^{iv}

The COVID-19 pandemic has exacerbated health inequities as communities of color bear a disproportionate rate of COVID-19 infections, hospitalizations, and deaths. Black, Asian, Native American and Alaskan Native, and Latinx individuals are 37 percent, 53 percent, 26 percent and 16 percent more likely to die from COVID-19, respectively, than White individuals. These rates are also compounded with increased infection rates among essential workers.^v Considering that only 5 percent of COVID-19 vaccines have gone to Black individuals and only 11 percent to Latinx individuals in the United States, exclusive access to COVID-19 vaccines is particularly concerning and continues to perpetuate existing racial health inequities.^{vi} As we seek to address the disproportionate burden of COVID-19 felt by communities of color, frontline and essential workers, immigrants, and other vulnerable populations, we must ensure vaccine distribution is done in a just and equitable manner.

Given recent incidents, the Washington Department of Health has issued guidance to providers clearly banning these types of preferential access. However, no similar federal ban exists applicable to providers across the country and those that receive vaccines directly from CDC. It is critical that HHS establish appropriate mechanisms of oversight to ensure this does not become a recurring incident. We urge you to ensure that preferential access to COVID-19 vaccines be explicitly banned in the CDC provider agreement and on the list of CDC's COVID-19 vaccination provider requirements available on the CDC website.

Additionally, we request that you provided responses to the following questions:

1. How are you monitoring and tracking COVID-19 vaccine distribution by pharmacy chains, large multi-state health care systems and others?
2. What mechanisms do you intend to establish to ensure accountability for inequitable distribution of COVID-19 vaccines?
3. What actions will you take to remediate the inequitable distribution of COVID-19 vaccines by hospitals around the country, such as those in the Puget Sound region, and other similar grievances?

While we understand the need for rapid distribution of COVID-19 vaccines, it is imperative that a speedy vaccine distribution also be equitable. Providing special access to individuals of privilege counteracts efforts to ensure those most at risk are prioritized and further reinforces existing racial health inequities.

Thank you for your consideration in this matter.

Sincerely,

Pramila Jayapal
Member of Congress

Suzan DelBene
Member of Congress

Nanette Diaz Barragán (CA-44), Eddie Bernice Johnson (TX-30), André Carson (IN-07), Bonnie Watson Coleman (NJ-12), Jason Crow (CO-06), Mark DeSaulnier (CA-11), Jesús G. "Chuy" García (IL-04), Alcee L. Hastings (FL-20), Jahana Hayes (CT-05), Ro Khanna (CA-17), Derek Kilmer (WA-06), Rick Larsen (WA-02), Barbara Lee (CA-13), Grace Meng (NY-06), Marie Newman (IL-03), Donald M. Payne, Jr. (NJ-10), Jan Schakowsky (IL-09), Kim Schrier, M.D. (WA-08), Adam Smith (WA-09), Marilyn Strickland (WA-10), Mark Takano (CA-41), Rashida Tlaib (MI-13) and Nydia M. Velázquez (NY-07).

CC: Dr. Rochelle P. Walensky, Director of the Centers for Disease Control and Prevention

ⁱ Bush, Evan; Reicher, Mike; Brownstone, Sydney. (January 29,2021). ‘Special invitation only’ COVID-19 vaccination clinics at Seattle-area hospitals raise concerns of equity. The Seattle Times. <https://www.seattletimes.com/seattle-news/times-watchdog/special-invitation-only-covid-19-vaccination-clinics-at-seattle-area-hospitals-raise-concerns-of-equity/>; Bush, Evan; Reicher, Mike; Brownstone, Sydney. (January 26,2021). “Overlake Medical Center donors got special access to COVID-19 vaccine; Inslee rebukes hospital system”.The Seattle Times. <https://www.seattletimes.com/seattle-news/times-watchdog/special-access-to-covid-19-vaccine-for-overlake-medical-center-donors-draws-inslee-rebuke/>

ⁱⁱ Lapin, Tamar. (January 27, 2021). “NJ hospital let wealthy donors, execs skip COVID-19 vaccine line:report”. The New York Post. <https://nypost.com/2021/01/27/nj-hospital-let-rich-donors-execs-skip-covid-vax-line-report/>

ⁱⁱⁱ Associated Press. (January 7, 2021). “‘Absolutely Disgusting’: Rick Scott Criticizes Florida Company Accused of Steering Vaccines to Rich Donors”. NBC Miami. <https://www.nbcmiami.com/news/local/absolutely-disgusting-rick-scott-criticizes-florida-company-accused-of-steering-vaccines-to-rich-donors/2357607/>

^{iv} CBS News. (January 15, 2021). “Some wealthy Americans accused of getting vaccines before they’re eligible:’Really disturbing inequity’”. <https://www.cbsnews.com/news/wealthy-americans-covid-vaccine-distribution/>

^v Keating, Eunjung Cha, Florit. (November 20,2020). “‘I just pray God will help me’: Racial, ethnic minorities reel from higher COVID-19 death rates. The Washington Post. <https://www.washingtonpost.com/graphics/2020/health/covid-race-mortality-rate/>

^{vi} Doherty, Tucker; Kenen Joanne. (February 1, 2021). “Just 5 percent of vaccinations have gone to Black Americans, despite equity efforts”. Politico. <https://www.politico.com/news/2021/02/01/covid-vaccine-racial-disparities-464387>